

Exhibit “Q” to Amended Verified Petition

NOTICE OF DESIGNATION OF LEAD AGENCY
MEHLON TRUCKING - MINING PLAN

Please take notice that, according to the provisions of the New York Code of Rules and Regulations Part 617, the Town of Montgomery Planning Board has declared itself Lead Agency pursuant to Article 8 of the Environmental Conservation Law for the following Type I Action:

Name of Project: Mehlon Trucking - Mined Land Application
Special Exception Use Permit

Location: Town of Montgomery, County of Orange
Kings Hill Road
Tax map parcels 3-1-96.22, 3-1-86
Property lies at boundary of Town of Montgomery
with the Towns of Newburgh and Shawangunk

SUMMARY OF ACTION: The project involves a proposed Special Exception Use permit for a shale mine and its subsequent reclamation. The land proposed to be mined includes an area which has already previously been mined but which has not been reclaimed. The applicant has submitted a detailed mined land use plan which addresses areas of environmental impact, mined land operational plans, timing of operation, and reclamation data. Although the property is 156 acres, the area to be mined constitutes less than 15% of the site.

A notice of determination of significance will follow. If within 30 calendar days from the date of mailing this notification no involved agency submits a written objection to the Town of Montgomery Planning Board, then the Town of Montgomery Planning Board shall be the lead agency and shall follow the provisions of New York Code of Rules and Regulations Part 617 governing further SEQR procedures.

This motion was passed at a meeting of the Town of Montgomery Planning Board, November 28, 1988. Motion made by Harry Mills, seconded by John Schmoll. Passed by unanimous vote of all present.

Date of Mailing: January 9, 1989

Agencies to receive this notice and Notice of Determination:

Mehlon Trucking (the applicant)

NYS Department of Environmental Conservation (Albany and New Paltz);

Orange County Planning Department;

Town of Montgomery Town Supervisor

Town of Newburgh Planning Board

Town of Newburgh Town Supervisor

Town of Shawangunk Planning Board

Town of Shawangunk Town Supervisor